The Honorable Marsha J. Pechman 1 Trial Date: October 27, 2014 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 DEBI HUMANN, CASE NO.: 2:13-cv-00101-MJP 10 Plaintiff, PROPOSED PRETRIAL ORDER 11 VS. 12 CITY OF EDMONDS, a municipal 13 corporation; and MICHAEAL COOPER, in his individual and official capacities, 14 15 Defendants. 16 I. JURISDICTION 17 The Court has jurisdiction over Ms. Humann's federal claims under 28 U.S.C § 1331 18 and 28 U.S.C. § 1343(a). The Court has supplemental jurisdiction over Ms. Humann's state 19 law claims under 28 U.S.C. § 1367(a). 20 II. **CLAIMS AND DEFENSES** 21 Ms. Humann claims that the City of Edmonds wrongfully terminated her in violation 22 of Washington public policy when Mayor Cooper terminated her in September 2011 and 23 when Mayor Earling laid her off in December 2011. She is pursuing First Amendment 24 retaliation claims against the City based on the City Council's decision to eliminate funding 25 for the Human Resources Director position in November 2011 and for Mayor Earling's

decision to lay her off in December 2011. Ms. Humann also claims that defendant Micheal

Seattle, Washington 98104-1798 (206) 682-6711

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Cooper and the City of Edmonds deprived her liberty interest without Fourteenth Amendment due process and defamed her. Defendants deny all claims.

III. ADMITTED FACTS

The following facts are admitted by the parties:

- 1. Plaintiff Debi Humann worked at the City of Edmonds for 12 years. She spent 11 of those years working in the Human Resources Department.
- 2. Ms. Humann was promoted to Human Resources Manager in 2004 by former Mayor Gary Haakenson. Ms. Humann was promoted to Human Resources Director in July 2008 by former Mayor Haakenson.
 - 3. The Human Resources Director at the City of Edmonds is an at-will position.
- 4. Human Resources Analyst Mary Ann Hardie reported to Ms. Humann. Ms. Hardie and Ms. Humann were the only two employees in the Human Resource Department during the times at issue in this case.
- 5. In July 2010, the Edmonds City Council appointed Defendant Micheal Cooper to complete the term of the prior mayor, Gary Haakenson.
- 6. In August 2010, Mayor Cooper hired Kimberly Cole as his Executive Assistant.
- 7. Mayor Cooper was Ms. Cole's direct supervisor. He approved her exception time sheet reports.
- 8. The Mayor's Executive Assistant is an "exempt" position which is paid by salary, not by an hourly wage.
- 9. When Ms. Humann informed Mayor Cooper in September 2011 that the State Auditor's office had requested records relating to Cole's attendance and exception time sheets, Cooper instructed her to cooperate with the Auditor's office.
- 10. On September 22, 2011, Mayor Cooper discharged Ms. Humann from employment.

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11. Mayor Cooper announced his decision to terminate Ms. Humann in a statement that was sent to the City Council, all City Directors, and local press. Mayor Cooper stated:

I am sending this email to inform you that Debi Humann is [no] longer employed by the City. This is not a decision that came lightly but a change was needed. The city's ability to function relies on a relationship between the Mayor and staff that is based on the highest level of trust and confidentiality. That level of trust has deteriorated to a place where I no longer had confidence in her ability to do the job and to work effectively with me. In order to have the public trust the city needs a committed staff that maintains that highest level of trust with the mayor and council.

- 12. On September 22, 2011, Mayor Cooper appointed Parks Recreation and Community Services Director Carrie Hite to take on additional duties as of Interim Human Resources Director.
- 13. Following Ms. Humann's termination, Mayor Cooper appointed Human Resource Analyst Mary Ann Hardie to Acting Human Resources Manager.
- 14. On October 12, 2011, Ms. Humann filed a complaint with the City challenging her termination pursuant to City of Edmonds Personnel Policy 10.3 and the Local Government Employee Whistleblower Protection Act, RCW 42.41.050. Ms. Humann's complaint sought reinstatement to her position as Human Resources Director, full back pay and benefits, and attorney's fees and costs
- 15. On October 13, Ms. Humann's attorney, Cliff Freed, issued a press release regarding the complaint. In addition, Ms. Humann made statements to the press in which she asserted that she was fired for whistleblowing activity.
 - 16. David Earling defeated Mayor Cooper in the November 6 election.
- 17. As Mayor, Cooper and his administrative staff created and proposed a budget for 2012. Cooper's proposed 2012 budget contained no proposal to eliminate the Human Resources Director position, nor to eliminate funding for this position.
 - 18. November 22, 2011, was Mayor Cooper's last City Council meeting in office.

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19. On November 22, 2011 the City Council voted to amend the proposed 2012
budget by eliminating funding for the vacant Human Resources Director position, effective
January 1, 2012. The Council passed Ordinance No. 3861 adopting the 2012 budget with
the amendment.

- 20. Mayor Earling was sworn into office on November 29, 2011.
- 21. On December 13, 2011, Mayor Earling announced he had decided to reinstate Ms. Humann to her position as Human Resources Director and lay her off on December 31, 2011.
- 22. Mayor Earling reinstated Ms. Humann as Human Resources Director for two weeks from December 15 to December 31.

On December 31, 2011, the City of Edmonds laid off Ms. Humann. IV. THE CITY

OF EDMONDS' AFFIRMATIVE DEFENSES

- 1. Failure to Mitigate Damages: Plaintiff failed to mitigate damages by declining job offers made to her.
- 2. Legislative Immunity/Deliberative Process privilege: The City cannot be liable for legislative decisions made by the City Council, nor can local legislators be questioned about their individual motives for voting on proposed legislation.
- 3. Absolute/Qualified Privilege (defamation): Statements made by Mayor Cooper in his official capacity regarding City matters are privileged and therefore not actionable in defamation.
- 4. Collateral Estoppel: Plaintiff should be estopped from seeking backpay that she has already recovered for the period of September December of 2011.
- 5. Accord & Satisfaction: The City has previously satisfied Plaintiff's claim for backpay for September December of 2011.

V. DEFENDANT COOPER'S AFFIRMATIVE DEFENSES

- 1. Defendant Cooper is entitled to qualified and absolute immunity.
- 2. Defendant Cooper's statements relating to Plaintiff were true, opinion, not

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provably false, fair comment, protected speech, privileged and not defamatory.

- Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment are barred by the doctrines of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.
- 4. There has been an accord and satisfaction as to Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment.
 - 5. Plaintiff has failed to mitigate damages.
- 6. In the event there is a judgment entered against Defendant Cooper, he is entitled to an offset for advance payments made by or on behalf of the defendants, including the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay and other damages.

STIPULATED ISSUES OF LAW

- 1. As Mayor, Defendant Cooper had final policy making authority from the City of Edmonds regarding issues of employment.
- 2. Defendant Cooper was acting as the final policy maker for the City of Edmonds when he terminated Ms. Humann and when he made a public statement about her termination.
- 3. Defendant Cooper was acting within the scope of his authority as Mayor of the City of Edmonds when he made a public statement about Ms. Humann's termination.
- 4. Mayor Earling had final policy making authority from the City of Edmonds regarding issues of employment.
- 5. Mayor Earling was acting as the final policy maker for the City of Edmonds when he decided to reinstate and layoff Ms. Humann.
- 6. Mayor Earling was acting within the scope of his authority as Mayor of the City of Edmonds when he decided to reinstate and layoff Ms. Humann.

7. Ms. Humann accepted an offer of judgment from the City of Edmonds regarding her claim for back pay and benefits from the date of her September 22, 2011 termination until her December 15, 2011 reinstatement. Humann received \$33,000.00 for her back pay and benefits, plus \$5,500.00 in pre-judgment interest, \$48,533.80 in attorneys' fees, and \$3,223.40 in costs.

VII. PLAINTIFF'S ISSUES OF LAW

The following are the issues of law remaining to be determined by the Court:

- 1. At the close of evidence Ms. Humann intends to move under Rule 50 for a ruling that, even if accepted as true, the City's asserted reasons for terminating and laying off Ms. Humann cannot, as a matter of law, be an overriding justification that outweighs Washington public policy.
- 2. Whether Ms. Humann should be permitted to call an adverse witness, use leading questions, and limit the testimony of that witness to the scope of Plaintiff's direct examination.

Plaintiff reserves the right to supplement this section if significant legal issues remain that should be addressed by the Court.

VIII. DEFENDANT CITY OF EDMONDS' ISSUES OF LAW

Defendant City of Edmonds agrees many of the issues of law that would arise at trial will likely be addressed in the court's ruling on the motions for summary judgment and in relation to proposed jury instructions. In addition, the court may need to decide:

- 1. Whether Plaintiff is estopped form pursuing back pay for the period September December of 2011, given her acceptance of a prior offer of judgment that compensated her for that period. This issue/evidence should not go to the jury, but should be decided by the court.
- 2. Whether Plaintiff should be barred from seeking front pay beyond December 31, 2011 in light of the fact that the position of Human Resources Director was not included in the 2012 budget legislatively adopted by the Edmonds City Council.

3. Whether Plaintiff should be barred from seeking reinstatement in light of the fact that the position of Human Resources Director was not included in the 2012 budget legislatively adopted by the Edmonds City Council and she is afforded an adequate remedy at law.

Defendant reserves the right to supplement this section if significant legal issues remain that should be addressed by the court.

IX. DEFENDANT COOPER'S ISSUES OF LAW

- 1. Whether Defendant Cooper is entitled to absolute and/or qualified immunity.
- 2. Whether Defendant Cooper's statements relating to Plaintiff were opinion, not provably false, fair comment, protected speech, privileged and/or not defamatory.
- 3. Whether Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment are barred by the doctrines of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.
- 4. Whether there has been an accord and satisfaction as to Plaintiff's claim for back pay and other damages which resulted from Defendant Cooper's decision to discharge her from employment.
- 5. Whether, in the event there is a judgment entered against Defendant Cooper, he is entitled to an offset for advance payments made by or on behalf of the defendants, including the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay and other damages.
- 6. Whether Plaintiff should be barred from calling Nancy Bartley as a witness because plaintiff never disclosed this person as a possible witness in initial disclosures, during discovery or in her pretrial statement.

X. EXPERT WITNESSES

The names and addresses of the expert witnesses to be used by each party at trial and the issue upon which each will testify is:

1	A. On	behalf of plaintiff:	
2	1.	Robert T. Patton, Ph.D. 1100 Chuckanut Crest Lane Bellingham, WA 98229	Will Testify
4	Dr.	Patton will testify regarding Ms. Humann's economic	damages.
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6	2.	James C. Webber Jim Webber Training-Consulting-Investigations	Will Testify
7		218 Main Street, PMB 304 Kirkland, WA 98033 (206) 601-9249	
9	Mr	. Webber will be called to testify about his invo	estigation into Ms. Cole's
10	allegations	s of hostile work environment, his communications with	th City employees, officials,
11	and attorne	eys, and his investigation findings and report.	
12	B. On	behalf of defendant City of Edmonds:	
13 14	1.	Claire Cordon 200 1 st Avenue W., Suite 402 Seattle, WA 98119-4923	May Testify
15	Th	e City of Edmonds may call Ms. Cordon to testify r	egarding Human Resources
16	practices	and management, reasonable expectations of a Huma	n Resources Director. Ms.
17	Humann'	s qualifications and performance in the role of Hum	an Resources Director, and
18	Mayor Co	ooper's expectations and evaluation of Plaintiff's perfor	rmance in the position.
19		XI. OTHER WITNESSES	
20 21	The	e names and addresses of witnesses, other than experts	, to be used by each party at
22	the time of	of trial and the general nature of the testimony of each a	re:
23	A. On	behalf of plaintiff:	
24	1.	· · · · · · · · · · · · · · · · · · ·	Testify
25		Seattle Times 1000 Denny Way,	
26		Seattle, WA 98109 (206) 464-2111	
27	Ms	s. Bartley is a journalist who may testify about staten	nents made to the media by
28		als and employees.	•

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1	2. Debi Humann Will Testify c/o Frank Freed Subit & Thomas
2	705 Second Avenue, Suite 1200
3 4	Seattle, WA 98104-1798 (206) 682-6711
5	Ms. Humann will testify about her employment at the City of Edmonds, the City'
6	Human Resources Department, Ms. Cole's attendance, her termination, the elimination of
7	funding for the Human Resources Director, her reinstatement and layoff, the medi
8	coverage and public attention surrounding these events, and the damages she suffered as
9	result of defendants' conduct. She may also be called to testify about Ms. Cole's reputation
10	for honesty.
11	3. Sharon Cates Possible Witness Only
12	Lighthouse Law Group 1100 Dexter Avenue N., Suite 100
13 14	Seattle, WA 98109-3598 (206) 273-7440
15	Ms. Cates may be called to testify about Plaintiff's job performance, the decision to
16	terminate Plaintiff's employment on September 22, 2011, the September 2011 settlement
17	negotiations between Mayor Cooper and Kimberly Cole, and/or Ms. Cates' knowledge of
18	employment law.
19 20	4. Sandy Chase Possible Witness Only 531 Homeland Drive Edmonds, WA 98020
21	Ms. Chase may be called to authenticate City records, to testify regarding certain
22	requests for public records, and Plaintiff's job performance.
23	5. Stephen Clifton Will Testify
24 25	18225 – 85th Place West Edmonds, WA 98026
26	Mr. Clifton will be called to testify about his knowledge regarding Ms. Cole'
27	attendance. He also will be called to testify about Ms. Humann's job performance and he
28	role in attempting to prevent misconduct as it relates to Ms. Cole's attendance and pay. H

1	may be called to testify about the reputation of certain members of the City Council and the
2	former mayor, and about Ms. Cole's reputation for truthfulness.
3 4 5	6. Kimberly Cole Possible Witness Only 820 Fourth Avenue Neptune City, NJ 07753 (732) 361-5920
6	Ms. Cole may be called to testify regarding her working and personal relationship
7	with Mr. Cooper, her experience working in Snohomish County, her experience as member
8	of the Lynwood City Council, and her employment with the City of Edmonds. This
9	testimony will be through deposition transcript.
10 11	7. Al Compaan Will Testify c/o Jayne L. Freeman
12	Keating Bucklin & McCormack
13	800 Fifth Avenue, Suite 4141 Seattle, WA 98104-3175
14	(206) 623-8861
15	Mr. Compaan will be called to testify about Ms. Cole's attendance, Ms. Humann's
16	job performance, termination, the elimination of funding for the City's Human Resources
17	Director, and Ms. Humann's reinstatement and layoff. He may also be called to testify about
18	Ms. Cole's reputation for honesty.
L9	8. Micheal Cooper Will Testify
20	c/o John T. Kugler Turner Kugler Law
21	4700 42nd Avenue SW, Suite 5940 Seattle, WA 98116
22	(206) 659-0679
23	Defendant Cooper will be called to testify regarding Kimberley Cole, his decision to
24	terminate Ms. Humann's employment on September 22, 2011, his public stigmatizing and
25	defamatory statements about Ms. Humann and her performance as Human Resources
26	Director, and the elimination of funding for the Human Resources Director position in
27	November 2011.
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1	9.	Susan Coskey	Will Testify
2		11811 Willows Road NE Redmond, WA 98052-2003	
3		(425) 867-4768	
4	Ms. C	Coskey will be called to testify a	about the fact and timing of her investigation into
5	Ms. Humann	a's October 12, 2011 whistleblow	wer complaint.
6	10.	Courtney Craft	Possible Witness Only
7		3712 East Roosevelt Ave Tacoma, WA 98404	
8	Ms.	Craft may be called to testify	regarding the auditor's hotline complaint and
9	investigation	regarding Ms. Cole and Ms. Cr	raft's interactions with City employees.
10	11.	Dave Earling	Will Testify
11 12	11.	c/o Jayne L. Freeman	V.
13		Keating Bucklin & McCorma 800 Fifth Avenue, Suite 4141	CK
14		Seattle, WA 98104-3175 (206) 623-8861	
15	Defer	` ,	estify about the elimination of funding for the
16	Human Reso	ources Director position in Nove	mber 2011 and the decision to reinstate and
17	layoff Ms. H	umann in December 2011.	
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19	12.	Gary Haakenson Deputy Executive	Will Testify
20		Snohomish County	
21		3000 Rockefeller, M/S 407 Everett, WA 98201	
22		(425) 388-3460	
23	Mr.	Haakenson will be called to	testify about the City's Human Resources
24	Department,	Ms. Humann's job performance	e and reputation. He may also be called to testify
25	concerning th	he reputation of certain member	s of the City Council and the former mayor.
26	13.	Mary Ann Hardie	Will Testify
27		c/o Jayne L. Freeman Keating Bucklin & McCorma	ck
28		800 Fifth Avenue, Suite 4141 Seattle, WA 98104-3175	

PRETRIAL ORDER - 11 2:13-cv-00101-MJP FRANK FREED SUBIT & THOMAS LLP Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 (206) 682-6711

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Ms. Hardie will be called to testify about the City's Human Resources Department, Ms. Humann's job performance, Ms. Cole's attendance, timesheets, and job performance, and the decisions to terminate Ms. Humann in September 2011, eliminate funding for the Human Resources Director position in November 2011, and reinstate and layoff Ms. Humann in December 2011. She may also be called to testify about Ms. Cole's reputation for honesty.

14. Carrie Hite
c/o Jayne L. Freeman
Keating Bucklin & McCormack
800 Fifth Avenue, Suite 4141
Seattle, WA 98104-3175
(206) 623-8861

Will Testify

Ms. Hite will be called to testify concerning her performance of duties formerly completed by the Human Resource Director, and the structure and function of the Humann Resources Department after September 22, 2011. She will also be called to testify about Ms. Humann's performance, termination, the elimination of funding for the Human Resources Director position and Ms. Humann's reinstatement and layoff.

15. Strom Peterson c/o Jayne L. Freeman Keating Bucklin & McCormack 800 Fifth Avenue, Suite 4141 Seattle, WA 98104-3175 (206) 623-8861 Will Testify

Mr. Peterson will be called to testify about Ms. Humann's job performance, Ms. Cole's attendance, Ms. Humann's September 22, 2011 termination and October 12, 2011 whistleblower complaint, the City Council's decision to eliminate funding for the Human Resources Director position, and Ms. Humann's reinstatement and layoff. He will also be called to testify about City Council meetings and his communications with others regarding the 2012 budget and/or Ms. Humann.

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1 2	16.	Kim Michael Plunkett 2628 – 39 th Avenue West Seattle, WA 98199	Possible Witness Only
3	Mr. P	Plunkett will be called to testify a	bout the City Council's decision to eliminate
4	funding for t	the Human Resources Director po	osition, and Ms. Humann's reinstatement and
5	layoff.		
6 7 8	17.	Jeffrey Taraday Lighthouse Law Group 1100 Dexter Avenue N., Suite 1 Seattle, WA 98109-3598 (206) 273-7440	Possible Witness Only 00
10	Mr. T	Caraday may be called to testify	about his interactions with Ms. Humann, the
11	timing of his	s communications with City office	cials and employees regarding Ms. Humann,
12	and/or his kn	owledge of employment law.	
13 14	18.	Jim Tarte, Finance Director 4733 – 48 th Avenue NE Seattle, WA 98005	Possible Witness Only
15	Mr. T	arte may be called to testify abou	at Ms. Humann's job performance, Ms. Cole's
16	attendance, t	imesheets, and pay. He may als	so be called to testify about the 2012 budget
17	process and	the City Council's decision to	eliminate funding for the Human Resources
18 19	Director posi	tion.	
20	19.	Bob Uptagraft c/o Frank Freed Subit & Thoma	Will Testify s
21		705 Second Avenue, Suite 1200 Seattle, WA 98104-1798	
22)	(206) 682-6711	
24			about the emotional distress and reputational
25	harm Ms. Hu	mann suffered as a result of defen	dants' conduct.
26	20.	James C. Webber	Will Testify
27		Jim Webber Training-Consulting 218 Main Street, PMB 304	• •
28		Kirkland, WA 98033 (206) 601-9249	

1	Mr.	Webber will be called to testify ab	out his investigation into Ms. Cole's
2	allegations o	f hostile work environment, his commu	nications with City employees, officials,
3	and attorneys	s, and his investigation findings and repo	ort.
4	21.	D.J. Wilson	Possible Witness Only
5		3500 – 188 th Street SW, Ste 590 Lynnwood, WA 98037	
6	Mr. V	Wilson may be called to testify about t	he decisions to terminate Ms. Humann,
7 8	eliminate fur	nding for the Humann Resources Direct	or position, and reinstate and layoff Ms.
9	Humann.		
10	22.	Phil Williams	Will Testify
11		c/o Jayne L. Freeman Keating Bucklin & McCormack	
12		800 Fifth Avenue, Suite 4141	
13		Seattle, WA 98104-3175 (206) 623-8861	
14	Mr.	Williams will be called to testify abo	ut Ms. Humann's job performance and
15	reputation, 1	Ms. Cole's attendance and job perform	mance, Ms. Humann's termination, the
16	elimination of	of funding for the Human Resources Di	rector, and Ms. Humann's reinstatement
17	and layoff. I	He may also be called to testify about M	s. Cole's reputation for honesty.
18	23.	Teresa Wippel	Possible Witness Only
19		23800 74 th Avenue W Edmonds, WA 98026	
20	Ms. Y	,	about statements made to the media by
21		Is and employees.	·
22	24.	Pat Ratliff, Editor	Possible Witness Only
24		Edmonds Beacon 806 5th Street	·
25		Mukilteo, WA 98275	
26	Mr. F	Ratliff is a journalist who may testify abo	out statements made to the media by City
27	officials and	employees.	
28	25.	Oscar Halpert The Daily Herald Company	Possible Witness Only

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1	PO Box 930 Everett, WA 98206
2	Mr. Halpert is a journalist who may testify about statements made to the media by
3	City officials and employees.
5	26. Dave Gossett Possible Witness Only 5006 239 th PI SW
6	Mountlake Terrace, WA 98043
7	Mr. Gossett may be called to testify about Ms. Cole's employment at the Snohomish
8	County Council, Defendant Cooper's supervision of Ms. Cole, efforts to investigate and
9	discipline Ms. Cole for attendance, and Mr. Gossett's communications with Defendant
10	Cooper regarding these matters. He may also be called to testify about Ms. Cole's
11	reputation for honesty.
12	27. Don Gough Possible Witness Only
13	Mayor of Lynwood
14	19100 4 th Avenue W. Lynnwood, WA 98046-5008
15	Mr. Gough may testify about the attendance of Kimberly Cole as an elected City
16	Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may
17	also be called to testify about Ms. Cole's reputation for honesty.
18 19 20	28. Loren Simmonds Possible Witness Only Lynnwood City Council President 19100 4 th Avenue W., Lynnwood, WA 98046-5008
21	Mr. Simmonds may testify about the attendance of Kimberly Cole as an elected City
22	Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may
23	also be called to testify about Ms. Cole's reputation for honesty.
24	The following additional witnesses may be called to testify for the limited purpose of
25	authenticating documents in the absence of a stipulation or judicial notice thereto, except
26	where noted:
27 28	29. Scott Passey c/o Jayne L. Freeman

1	Keating Bucklin & McCormack 800 Fifth Avenue, Suite 4141
2	Seattle, WA 98104-3175 (206) 623-8861
3	Mr. Passey may be called to testify about the authenticity of certain City of Edmonds
5	public records.
6 7 8 9	30. Records Custodian – Seattle University School of Law Sheila D. Underwood, Registrar 901 12 th Ave., Sullivan Hall PO Box 22200 Seattle, WA 98122-1090 (206) 398-4150
10	This individual may be called to testify about the authenticity of certain business
11 12	records.
13 14	31. Records Custodian – Snohomish County Council Possible Witness Only Norma Middleton, HR Systems Manager 3000 Rockefeller Avenue
15	Everett, WA 98201 (425) 388-3411
16	This individual may be called to testify about the authenticity of certain public
17	records.
18 19	32. Records Custodian – Lynnwood City Council Possible Witness Only Debbie Karber, Deputy City Clerk 191004 4 th Avenue W.
20	Lynnwood, WA 98046-5008 (425) 670-5000
22	This individual may be called to testify about the authenticity of certain public
23	records.
24	33. Public Records Officer Possible Witness Only
25 26	Washington State Auditor's Office Sunset Building – PO Box 40031 Olympia, WA 98504
27	This individual may be called to testify about the authenticity of certain public
28	records.

1	34. Mia Wadleigh Possible Witness Only
2	Frank Freed Subit & Thomas LLP 705 2 nd Ave, suite 1200
3	Seattle, WA 98144 (206) 682-6711
4	Ms. Wadleigh may be called to testify about the authenticity of trial exhibits, and
5	public records.
6	public records.
7	35. Sheila Romoff Possible Witness Only Frank Freed Subit & Thomas LLP
8	705 2 nd Ave, suite 1200
9	Seattle, WA 98144 (206) 682-6711
10	Ms. Romoff may be called to testify about the authenticity of trial exhibits, public
11	records, and/or the deposition of Kimberly Cole.
12	B. On behalf of defendant City of Edmonds:
13	Defendants anticipate they will or may call the following witnesses at trial; however,
14	the designation of witnesses and scope of testimony may change depending on the court's
15	ruling on the pending motions for summary judgment.
16	Will Testify:
17	1. Micheal Cooper, former Mayor of Edmonds
18	c/o John T. Kugler
19	Turner Kugler Law, PLLC 4700 - 42nd Avenue SW, Suite 540
20	Seattle, WA 98116
21	(206) 659-0679
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23	Mr. Cooper will testify regarding Plaintiff's employment with Edmonds and City
24	operations while he served as Mayor, his decision to terminate her employment, observations
25	of, communications with and regarding Plaintiff, post-termination communications and
26	statements, structure and organization of the City of Edmonds government and operations. If
27	necessary, he may also testify regarding the Council's adoption of the 2012 budget as well.
28	2. Dave Earling, Mayor of Edmonds

c/o Jayne L. Freeman

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Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

Mayor Earling will testify regarding his decisions related to Plaintiff's employment and communications with Plaintiff after he was elected in 2011, functioning of the Human Resources Department and the City during his administration, and regarding the subsequent organization, operations, needs, and performance of the Human Resources Department at the City. Mayor Earling may also testify regarding the governmental and operational organization and structure of the City of Edmonds, budget process, and City operations.

3. Jim Tarte, former Interim Finance Director 630 SW 149th Street, Suite B Burien, WA 98106 (206) 248-9647

Mr. Tarte will testify regarding knowledge of facts related to Plaintiff's employment, interactions with Plaintiff and Mayor Cooper, the State Auditor's 2011 audit, information provided to the State Auditor, and the City's finance and payroll operations.

 MaryAnn Hardie, Human Resources Manager City of Edmonds 121 5th Avenue N. Edmonds, WA 98020 (425) 775-2525

Ms. Hardie will testify regarding working in the Human Resources Department at Edmonds, work with and/or communications with Plaintiff, Mayor Cooper, and others regarding Plaintiff's employment, organization, operations and functioning of the Human Resources Department and work completed prior to and subsequent to Ms. Humann's termination.

 Carrie Hite Parks, Recreation, Cultural Services Director and HR Reporting Director
 c/o Jayne L. Freeman
 Keating, Bucklin & McCormack, Inc., P.S.
 800 Fifth Avenue, Suite 4141

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Seattle, WA 98104 (206) 623-8861

Ms. Hardie will testify regarding work and/or communications with Plaintiff, Mayor per and others regarding Plaintiff's employment, organization, budgeting, operations and tioning of the Human Resources Department and the City, including work completed r to and subsequent to Ms. Humann's termination. She also may testify regarding rmation provided to the State Auditor and may have worked with and/or communicated Plaintiff.

6. Sandy Chase, Former City Clerk c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

Ms. Chase will testify regarding working and/or communicating with Plaintiff, Mayor per, and others at the City of Edmonds, as well as her role and procedures involved in onding to Public Records Requests, and City operations.

7. Sharon Cates, Lighthouse Law Group, Asst. City Attorney c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

Ms. Cates will testify regarding communications with Plaintiff and/or observed duct by Plaintiff. By identifying Ms. Cates as an individual with knowledge of facts, the does not intend to waive any attorney-client, work product, executive session, or other ileges that may apply.

8. Jeff Taraday, Lighthouse Law Group, City Attorney c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

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Mr. Taraday will testify regarding communications with Plaintiff and/or observed conduct by Plaintiff. Depending on the issues at trial, Mr. Taraday may be called to testify regarding non-privileged communications with Mayors and Councilmembers of the City of Edmonds. By identifying Mr. Taraday as an individual with knowledge of facts, the City does not intent to waive any attorney-client work product, executive session, or other privileges that may apply.

9. K. Michael Plunkett
Former Edmonds Councilmember
c/o counsel Michael Bolasina
Summit Law Group, PLLC
315 5th Avenue S., Suite 1000
Seattle, WA 98104
(206) 676-7000

Mr. Plunkett will testify regarding interactions and communications with and observations of Plaintiff in her role as Human Resources Director for the City of Edmonds, City governmental and operational structure, operations, budget, Council and committee meetings. If necessary, Mr. Plunkett will also testify regarding the City Council's adoption of the 2012 budget and related proceedings.

May Testify:

10. Kimberly Cole, former employeeAddress:

Ms. Cole may testify via video deposition regarding her interactions with and Plaintiff and Mayor Cooper, complaints about Ms. Humann, and facts related to her own employment with Edmonds.

 Diane Buckshnis, Councilmember c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

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Ms. Buckshnis may testify regarding plaintiff's conduct and/or engaging in communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

Steve Bernheim, Former Councilmember c/o Jayne L. Freeman
 Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141
 Seattle, WA 98104
 (206) 623-8861

Mr. Bernheim may testify regarding plaintiff's conduct and/or communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges, or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

13. Adrienne Fraley-Monillas, Councilmember c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

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This individual may have witnessed plaintiff's conduct and/or engaged in communications with or regarding Plaintiff, and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances, including labor negotiations. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

Strom Peterson, Councilmember 14. c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

This individual may have witnessed plaintiff's conduct and/or engaged in communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

Lora Petso, Councilmember 15. c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

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This individual may have witnessed plaintiff's conduct and/or engaged in communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

 Courtney Craft, State Auditor's Office Washington State Auditor's Office 3501 Colby Ave, Suite 100B Everett, WA 98201 (425)257-2149

Ms. Craft may testify regarding knowledge of the State Auditor's Office communications with Edmonds employees and audit activities.

17. Shawn Hunstock, Finance Director c/o Jayne L. Freeman Keating, Bucklin & McCormack, Inc., P.S. 800 Fifth Avenue, Suite 4141 Seattle, WA 98104 (206) 623-8861

Mr. Hunstock may be called to testify regarding City of Edmonds organizational structure, operations, Finance Department, budget, and activities involving the State Auditor's Office.

A. On behalf of defendant Cooper:

- 1. Defendant Cooper may call the witnesses identified in Defendant City of Edmonds and David Earling's Pretrial Statement, which is incorporated herein by reference.
 - 2. In addition, this defendant may call:

DJ Wilson c/o Jayne L. Freeman Possible Witness Only

Seattle, WA 98104
(206) 623-8861

Mr. Wilson may testify regarding working and communicating with Plaintiff, his vations of Plaintiff's conduct and behavior toward Council Members, and his

800 Fifth Ave., Ste. 4141

Keating, Bucklin & McCormack, Inc., P.S.

observations of Plaintiff's conduct and behavior toward Council Members, and his knowledge as set forth in his deposition taken in this matter.

XII. EXHIBITS

B. Plaintiff Debi Humann's Exhibits (#1 – 167)

Exhi bit No.	Date	Bates No.	Document	Admi ss. Stip.	Auth. Stip. / Admiss. disputed	Auth./ Admiss. disputed	Admi tted
1.	(2010-	ED 1041-43	Human	X			
	2011)		Resources				
			Analyst Job				
	(2011	ED 1011 1016	Description				
2.	(2011-	ED 1044-1046		X			
	2011)		Resources				
			Director Job				
	1 11 10 = 0	511555	Description				
3.	1/1/06 &	DHRPR-	Debi Humann	X			
	1/1/10	00710;	Human				
		DHRPR-	Resources				
		00669	Certifications				
			1/1/2006 &				
			1/1/2010				
4.	2014	Cordon Ex. 11				X	
			Institute				
			Materials				
5.			Summary of			X	
			Humann				
			Performance				
			Evaluations				
	1000	G F 13134 6	(FRE 1006)				
6.	1999-	See Exhibit 6	Humann		X		
	2010	PDF	Performance				
			Evaluations				
7.			Summary of			X	
			Humann Human				
			Resources				
			Training &				
			Education (FRE				
			1006)				

8.		See Exhibit 8	Humann		X		
		PDF	Training &				
			Education				
			Records				
9.		DHRPR-	Salary History of	X			
•		00782;ED	Debi Humann				
		2066	2011101110111				
10.	1/1/07	DLH-00735	City of Edmonds		X		
10.	1, 1, 0,	2211 00,00	Humanitarian		1.1		
			Award				
11.	1/11/08	ED 3911	Memorandum re:		X		
	1,11,00	22 0711	HR Staffing		1.1		
12.	3/10/08	DLH-00748-	Humann		X		
12.	2710700	00751	Performance		1		
		00751	Appraisal				
13.	7/9/08	ED 001511	Promotion		X		
10.	117100		Announcement		Λ		
14.	6/15/09	DLH-00747	Humann		X		
1 1.	0/15/07	DEII 00717	Performance		A		
			Appraisal				
15.	3/24/10	DLH-00743-	Humann		X		
15.	3/24/10	00746	Performance		A		
		00710	Appraisal				
16.		DLH-00710-	Humann Letters		X		
10.		13	of		7		
			Recommendatio				
			n				
17.	4/12/10	DLH-03497-	File notations by			X	
		03498; 03556	•				
18.	2010-	ED 1047-1049			X		
	2011		Assistant Job				
			Description				
19.	7/3/10	ED 00284-286		X			
			Assistant to the				
			Mayor				
			Employment				
			Announcement				
20.	7/25/10	ED 03895-	Application for		X		
		03896	Employment by				
			Kimberly Cole				
21.	8/2/10	ED 03891	Receipt of		X		1
			Personnel				
			Policies (Cole)				
22.	8/2/10	ED 03889	Personnel Status	X			
44.						•	
22.			Report (new hire				

23.	8/2/10	ED 03801	Emergency		X		
			Personnel File				
			Information				
			(Cole)				
24.	8/13/10	DLH-01323-	Letter to Council	X			
		01324	President				
			Peterson				
25.	8/31/10	ED 03780-	Email from Debi		X		
		03786	Humann				
			regarding Order				
			for Protection				
26.	9/22/10	ED 001535-	"Lynwood		X		
		1538	official's work				
			with city of				
			Edmonds raises				
			questions",				
			HeraldNet				
27.	10/11/10	DLH-01291-	Notes re:			X	
		1292	Meeting with				
			Mayor Cooper &				
			Council				
			President Steve				
			Bernheim				
8.	11/16/10	ED 03545-	Letter to Lorenzo	X			
		03547	Hines re: 2010				
			Annual Review				
			& Audit				
29.	12/21/10		Edmonds City		X		
			Council				
			Approved				
			Minutes				
			(excerpts)				
30.	2/1/11	ED 001749-	Calendar with			X	
		001754	notations				
31.	2/1/11	ED 04293-	Email re: 2011	X			
		4294	City Council				
			Retreat - Mayor				
			& Department				
			Priorities				
32.	2/3/11	ED 001099-	Notes: Meeting		X		
		001100	with Mayor				
			Cooper &				
			Stephen Clifton				
33.	2/3/11	CPR 000119	Meeting Notice	X			
34.	2011	ED 01455-	Time Records of			X	
		1476	Kimberly Cole				<u> </u>

1	35.	2/4/11	CPR 000078-	2011 City	X			
			000086	Council Retreat				
2				Department Priorities				
3	36.	2/6/11	Plunket Ex. 1			W.		
	30.	2/0/11	Pluliket Ex. 1	"Report: Edmonds		X		
4				council-				
5				members'				
				conduct didn't				
6				violate state,				
7				federal laws",				
				myedmondsnews.				
8	27	0/6/11	DI II 01445	<i>com</i> Email re:				
9	37.	2/6/11	DLH 01445, DLH-01451	Request for			X	
_			DL11-01431	Public Records -				
10				Michael Plunkett				
11	38.	2/8/11	DHRPR	Email re:	X			
10			00410	Vacation Accrual				
12				– Cole				
13	39.	2/16/11	DLH 011447-	Email re: Update	X			
14			1449	on M. Plunkett				
₁₄				Request for Public Records				
15	40.	2/24/11-	ED 2702-2721		X			
16	70.	8/4/11	LD 2102-2121	Consultant	Λ			
		0/ 1/11		Project Materials				
17	41.	3/1/11	ED 3740-3742		X			
18				Safety & Human				
-				Resources				
19	4.2	4/5/44	ED 02512	Committee				
20	42.	4/5/11	ED 03743- 3747	Minutes - Public	X			
			3/4/	Safety & Human Resources				
21				Committee				
22	43.	4/5/11	ED 01193-	Email re: FW:		X		
			01194	Records Request				
23	44.	5/10/11	ED 03748-	Minutes - Public	X			
24			3750	Safety & Human				
ر ا				Resources				
25	4.7	F /1 2 /1 1	G F 45	Committee				
26	45.	5/13/11	See Ex. 45	Letter re: Public		X		
27			PDF	Record Request Dated April 22,				
۷				2011				
28	46.		ED 03606-	Edmonds City	X			
		1	<u> </u>	•				

		03607	Council			
			Approved			
			Minutes			
			(excerpts)			
			6/7/2011			
47.		ED 03658, ED	Edmonds City	X		
		03678-03681	Council			
			Approved			
			Minutes			
			(excerpts)			
			6/21/2011			
48.		See Exhibit 48	"Challenger		х	
		PDF	Earling Outpolls			
			incumbent			
			Cooper in			
			Edmonds			
			primary for			
			Mayor",			
			myedmondsnews			
			.com			
			8/16/2011			
49.		CPR 000113	Email to Kim	X		
			Cole (blank)			
			8/17/2011			
50.		CPR 000113	Email re: Payroll	X		
			exceptions with			
			handwritten			
			notations			
			8/30/2011			
51.		ED 001591	Payroll accrual	X		
			printout			
			8/31/2011			
52.		ED 001594	Email to Cooper	X	 	
			re: Payroll – Kim			
			Cole			
			8/31/2011			
53.		ED 001592	Email re: (blank	X		
			email)			
			9/1/2011		 	
54.				X		
55	0/7/11	DI 11 02024	Emoil ro. EW.	**		
55.	9/7/11	DLH-03034	Email re: FW: Public Records	X		
56	9/8/11	DI H 00424	Request			
56.	9/8/11	DLH 00434- 00436	Communications	X		
		00430	with Washington			

₁				State Auditor's				
				Office				
2	57.	9/9/11	DLH 03025-	Email re: (blank	X			
3	70	0/10/11	03026	email)				
٦	58.	9/12/11	DLH 00507-	Activity History			X	
4			00509	Summary/Detail Report (Cole)				
5	59.	9/15/11	ED 1615	Cole Payroll	X			
١	37.)/13/11	LD 1013	Exception Time	Λ			
6				Sheet				
7	60.	9/16/11	ED 001105-	Documentation		X		
			001108	of Kim Cole's				
8				Payroll				
9				Exception and				
	61.	9/21/11	ED 1177-1179	attachments Email strings		•		
10	01.	9/21/11	ED 11/7-11/9	Email string: Update to		X		
11				Records Request				
				(K. Cole)				
12	62.	9/21/11	DLH 00433-	Communications	X			
13			00449	with Washington				
.				State Auditor's				
14				Office				
15	63.	9/21/11	DLH 00435-	Email string:	X			
1.			00436, 00445, 00448-00449	RE: Request for a File –				
16			00446-00449	Documents				
17	64.	9/22/11	Cooper Dep.	Cooper email		X		
18		7, 22, 11	Ex. 8	with attachment		••		
10				("The Bill				
19				Clinton				
20				Approach")				
20	65.	9/22/11	DLH 00233	Email re:	X			
21				"Changes in City				
22	66.	9/22/11	DHRPR	Hall" Email re: Firing		X (or		
	00.	9/22/11	00778	of Debi Humann		redact)		
23	67.	9/22/11	CPR000061	"Cooper Fires		X		
24		7, 22, 11	0111000001	HR Director		••		
				Debi Humann,				
25				citing 'lack of				
26				confidence' in				
				her abilities",				
27				myedmondsnews.				
28	60	0/22/11	Cooper Err C	COM Voicemeil of		•		
	68.	9/22/11	Cooper Ex. 6	Voicemail of		X		

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			Micheal Cooper			
69	9/22/11-	Cates Ex. 2	Cates/Dudkowsk		X	
	9/23/11		i email string re:			
			follow up			
70.	9/23/11	ED 02830	Personnel Status	X		
			Report (Humann			
			termination)			
71.	9/24/11	Cooper Ex. 10	"I Really Want		X	
		-	My Job Back'":			
			Fired HR			
			Director Taking			
			Legal Action",			
			Edmonds.Patch.c			
			om			
72.	9/25/11	CPR 121	Email re:		X	
			Kimberly Cole			
73.	9/25/11	CPR000065	"Edmonds		X	
			Mayor Says He			
			Cooperated With			
			Audit of City			
			Employee,"			
			Edmonds.Patch.c			
			om			
74.	(9/27/11)	See Exhibit 74			X	
		PDF	mayor fires City			
			human resources			
			director,"			
			HeraldNet			
75.	9/28/11	CPR 000062	"Mayor's		X	
			assistant, HR			
			director, off			
			Edmond's			
			payroll,"			
	0.100.11.1	GDD 0000	HeraldNet			
76.	9/29/11	CPR 000066-	"Humann firing		X	
		000067; ED	raises larger			
		00239-241	issues,"			
			Edmondsbeacon.			
	0/00/11		com			
77.	9/30/11	Cooper Dep.	Cooper Memo to		X	
		Ex. 9	Council			

PRETRIAL ORDER - 30 2:13-cv-00101-MJP

	78	8.	10/4/11	ED 002, ED	Edmonds City		X		
1			10/11/11;	0024, ED	Council				
2			10/18/11;	0027, ED	Executive				
_			10/25/11;	0046, ED	Session Notes				
3			11/1/11;	0063, ED					
			11/7/11;	0090; ED					
4			12/20/11	0092					
5	79	0	10/4/11		Edmonds City		**		
	/3	9.		ED 03, ED	Edmonds City		X		
6			10/11/11;	0025, ED	Council Minutes				
			10/18/11;	0028; ED	(excerpts)				
7			10/25/11;	0047; ED					
8			11/1/11;	0067; ED					
°			11/7/11;	0081; ED					
9			12/20/11	0091; ED0093					
	80	0.			Summary of			X	
10					Executive				
11					Sessions re:				
11					Humann (FRE				
12					1006)				
	8	1.	10/4/11	DLH 003-	City Council		X		
13				DLH-009	Resolution No.				
14					1257 (with				
14					Cooper/Cole				
15					agreements)				
	82	2	10/5/11	Cooper Dep.	"Two departures		X		
16		۷٠	10/3/11	Ex. 11	in city of		A		
1.7				Ex. 11	Edmonds				
17					intrigue", Seattle				
18					Times				
	83	3	10/11/11	Clifton	Email re:		X		
19	0.	٥.	10/11/11	Exhibit 4	Workplace		Λ		
20				Lamon +	Investigation				
20	84	1	10/12/11	ED 120	Humann	X			
21	0-	т.	10/12/11	LD 120	Retaliation	Λ			
					Complaint				
22	85	5	10/13/11	ED 00119-120			37		
23	0.	٥.	10/13/11	ED 00119-120			X		
∠3					Letter/Complaint				
24					Seeking Relief				
					(Debi Humann)				
25					(with				
			10/10/11	DI II (00	attachment)				
26	86	6.	10/13/11	DLH 422	Press Release re:	X			
27					Human				
- '					Retaliation				
28					Complaint				
	87	7	10/13/11	DHRPR 0778	Cooper email re:	X			

1				changes in city			
				hall			
2	88.	10/13/11		Edmonds Beacon		X	
3				Newspaper (hard			
	89.	10/14/11	DLH 00342-	copy) "Fired worker		v	
4	09.	10/14/11	00343	files protest,"		X	
5			00313	The Herald			
	90.	10/14/11	ED 205-210	Webber		X	
6				Professional			
7				Services			
				Agreement			
8	91.	10/14/11	ED 195	Cooper email re:		X	
9				Independent Investigation to			
1.0				be Conducted			
10	92.	10/18/11	ED 0028, ED	Edmonds City		X	
11			0037-43	Council			
12				Approved			
14				Minutes			
13				(excerpts)			
14	93.	10/21/11	ED 419-429;	City of		X	
		11/11	ED 438-439	Edmonds/Presto n Agreements			
15	94.	10/20/11		Edmonds Beacon		X	
16		10/20/11		Newspaper (hard		A	
				copy)			
17	95.	10/25/11	ED 0047, ED	Edmonds City	X		
18			0053-ED 0061				
1.0				Approved			
19				Minutes			
20	96.	11/1/11	ED 0089	(excerpts) Edmonds City	X		
21		11/1/11	LD 000)	Council	Λ		
21				Approved			
22				Minutes			
23				(excerpts)			
	97.	11/2/11	ED 1124-28	Susan Coskey		X	
24			and Coskey	Agreement;			
25			Declaration	Susan Coskey Invoice;			
				BrightSprings/Su			
26				san Coskey			
27				Investigation File			
				Privilege Log			
28				(redacted)			

1								,	
99. 11/7/11 ED 00130- Questions	₁	98.	11/4/11-	ED 4390	Adams	X			
99. 11/7/11 ED 00130- Questions x	_		9/9/12		_				
100	2	00	11/7/11	ED 00120					
100. 11/15/11 DLH 00593 - Report by State Auditor regarding Citizen Hottline Concern	3	99.	11///11				X		
101. 11/15/11 DLH 00083, Edmonds City		100	11/15/11					v	
Tegarding Citizen Hotline Concern	4	100.	11/13/11					Λ	
Hotline Concern	₅			00003					
101. 11/13/11 11									
Approved Minutes (excerpts) 102. 11/18/11 ED 368-372 Email re: Requested Materials 11	6	101.	11/15/11	DLH 00083,	Edmonds City		X		
Approved Minutes (excerpts)	7			00085-89	Council				
102									
102.	8								
102	9	100	11/10/11	ED 240 252					
103. 11/22/11 ED 2351 Bucklin/Webber emails re: Edmonds adv. Cole Investigation 104. 11/22/11 ED 02573-75 Agenda Edmonds City Council (11/22/11) 105. 11/22/11 ED 02035- Ouncil (11/22/11) Edmonds City Council (11/22/11) 106. 11/22/11 ED 02035- Ouncil (11/22/11) Edmonds City Council (11/22/11) Edmonds City Council Minutes (excerpts) 106. 11/22/11 ED 2462; ED Bucklin/Webber emails re: ED2352-2369 ED2352-2369 ED2352-2369 Confidential Edmonds-Cole Report (draft report attached) ED 2370; ED 23		102.	11/18/11	ED 368-372			X		
103. 11/22/11 ED 2351 Bucklin/Webber emails re: Edmonds adv. Cole Investigation 104. 11/22/11 ED 02573-75 Agenda Edmonds City Council (11/22/11) 105. 11/22/11 ED 02035- 036; ED 2041-049 Approved Minutes (excerpts) 106. 11/22/11 Edmonds City Council Meeting Video (excerpts) 107. 11/29/11 ED 2462; ED 2370; Edmonds City Council Meeting Video (excerpts) 107. 11/29/11 ED 2462; ED 2370; Edmonds City Council Meeting Video (excerpts) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11	10								
12	11	103	11/22/11	ED 2351			v		
Edmonds adv. Cole Investigation		103.	11/22/11	ED 2331			Α		
104	12								
104	13								
104. 11/22/11 ED 02373-73 Agenda Edmonds City Council (11/22/11)					Investigation				
Council (11/22/11) 105. 11/22/11 ED 02035- Edmonds City X Council 2041-049 Approved Minutes (excerpts) 106. 11/22/11 ED 2462; ED Bucklin/Webber 2370; Edmonds-Cole Report (draft report attached) ED 3851 Letter of Termination by David Earling (Cole) Termination by David Earling (Cole) Termination by Termination	14	104.	11/22/11	ED 02573-75	Agenda	X			
Council (11/22/11)	15								
105. 11/22/11 ED 02035- Edmonds City X Council Approved Minutes (excerpts) 106. 11/22/11 ED 2462; ED Edmonds City Council Meeting Video (excerpts) 107. 11/29/11 ED 2462; ED Bucklin/Webber ED2352-2369 Confidential Edmonds-Cole Report (draft report attached) ED 3851 Letter of X Termination by David Earling (Cole)	-								
106. 11/22/11 ED 2462; ED Bucklin/Webber Edmonds-Cole Edmonds-Cole Edmonds-Cole Report (draft report attached) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 107. 11/30/11 ED 3851 Council Meeting X X X X X X X X X	16	105	11/00/11	ED 02025	` '				
18	17	105.	11/22/11		•	X			
Minutes (excerpts) 106. 11/22/11 Edmonds City Council Meeting Video (excerpts) 107. 11/29/11 ED 2462; ED Bucklin/Webber emails re: ED2352-2369 Edmonds-Cole Report (draft report attached) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole) 108. 11/30/11				<i>'</i>					
19	18			2041-049					
106. 11/22/11 Edmonds City Council Meeting Video (excerpts)	19								
Council Meeting Video (excerpts)		106.	11/22/11					X	
Video (excerpts) 107. 11/29/11 ED 2462; ED Bucklin/Webber x 2370; emails re: ED2352-2369 Confidential Edmonds-Cole Report (draft report attached) 108. 11/30/11 ED 3851 Letter of x Termination by David Earling (Cole)	20				•				
107. 11/29/11 ED 2462; ED Bucklin/Webber x	21								
ED2352-2369		107.	11/29/11	ED 2462; ED	Bucklin/Webber		X		
Edmonds-Cole Report (draft report attached) 108. 11/30/11 ED 3851 Letter of Termination by David Earling (Cole)	22			· ·					
24	23			ED2352-2369					
report attached) 108. 11/30/11 ED 3851 Letter of x Termination by David Earling (Cole)									
25 108. 11/30/11 ED 3851 Letter of x Termination by David Earling (Cole)	24				-				
Termination by David Earling (Cole)	25	108	11/30/11	FD 3851	-	v			
David Earling (Cole)		100.	11/30/11	LD 3031		Λ			
27 (Cole)	26								
	27								
109. 11/30/11 Hite Dep. Ex. City of Edmonds x		109.	11/30/11	Hite Dep. Ex.	City of Edmonds	X			
28 Press Release	28			-					

1	110.	12/1/11	ED 04400-	Human	X		
⁺			04401	Resources,			
2				December 2011			
				Briefing for			
3				Mayor			
4	111.	12/5/11	ED 133	Humann Case		X	
- II				Calendar Entry			
5	112.	12/6/11	DLH 00099 -	Edmonds City		X	
_			124	Council Meeting			
6				Minutes			
7				(excerpt)			
	113.	12/13/11	Earling Dep.	Taraday email		X	
8			Exhibit 11	(with			
9				attachment)			
	114.	12/13/11	ED 00135-136		X		
10	117	10/10/11	ED 00441 40	email			
11	115.	12/13/11	ED 03441-42	"Mayor to Debi		X	
⁺⁺				Humann: You			
12				Can Come Back			
				Till End of Year,			
13				Then Leave			
14				Again," Edmonds			
				Patch.com			
15	116.	12/14/11	ED 2828	Personnel Status	X		
16	110.	12/17/11	LD 2020	Report (Humann	Λ		
10				reinstatement)			
17	117.	12/14/11	CPR000072	Earling email re:	X		
	117.	12/11/11	0111000072	Debi Humann	71		
18	118.	12/15/11		Edmonds Beacon		X	
19	1101	12, 10, 11		Newspaper (hard			
				copy)			
20	119.	12/15/11-	Earling Dep.	Emails re:		X	
21		12/16/11	Ex. 12	Requests for			
				Investigative			
22				Report on Debi			
,,				Humann			
23	120.	12/28/11	DLH-362	Freed letter to		X	
24				Earling			
_	121.	12/28/11	ED 148-149;	Email string re:		X	
25			ED 152-153;	Letter from Cliff			
26			Earling	Freed, Attorney			
·			Exhibit 14	Representing D.			
27				Humann (with			
28				attachment)			
ا ا	122.	12/28/11	ED 2812	Personnel Status	X		

1				Report (Humann				
- II	100	1/2/12	ED 2002 2100	layoff)				
2	123.	1/3/12	ED 3083-3100	Edmonds/Cole Investigation		X		
3				(Webber)				
	124.	1/4/12	Webber Dep.	Jim Webber		X		
4			Ex. 3	Invoice				
5	125.	1/12/12	From City of	City of Edmonds		X		
6			Edmonds	Press Release				
	126.	1/26/12	Website	Edmonds Beacon		X		
7	120.	1/20/12		Newspaper (hard		Λ		
8				copy)				
9	127.	2/21/12	Hite Dep. Ex.	Human	X			
			8	Resources				
10				Temporary Staffing Proposal				
11	128.	4/4/12	DLH 00478	Washington Washington			X	
12				State Auditor's				
				Management				
13	120	4/17/10	DI II 00 451	Letter				
14	129.	4/17/12	DLH 00451	Washington State Auditor's			X	
				Office Public				
15				Records Request				
16	130.	5/11/12	DLH-02378-	Letter to Kim			X	
17			02379	Cole (Loren				
	131.	9/24/12	DLH-02409-	Simmonds) City of			X	
18	131.	3/2 4 /12	02411; 2419-	Lynnwood City			Α	
19			32	Council Business				
20				Meeting				
20				Minutes;				
21				Memorandum re: City				
22				Councilmember				
23				Attendance &				
23				Qualification to				
24				Hold Office in				
25				Re: City Councilmember				
				Kimberly Cole,				
26				Position #1				
27	132.	9/27/12		City of Edmonds	-	X		
28				Reply on its				
				Motion for				

			Partial Summary				
			Judgment				
133.	1/1/02	ED 00287-	City of Edmonds	X			
		00336; DLH	Personnel				
		00542-000592	Policies				
			(excerpts)				
134.		Document 58	Edmonds City	X			
		Filed Exhibit	Code Chapter 2				
		(Taraday	(excerpts)				
		Decl.)					
135.			Diagram: 3rd			X	
			Floor Edmonds				
			City Hall				
136	2/14/14		Patton Report		X		
137.			Patton CV	X			
138.			Humann		X		
			Economic				
			Damages				
			Summary (see				
			Patton Report pg				
			5)				
139.		DLH 00821 -	Humann Job	X			
		00824	Application Log				
140.		DLH 00796-	Humann Job	X			
		01280	Applications				
141.			Summary of			X	
			Media Reporting				
			re: Debi Humann				
1.10			(FRE 1006)				
142.		Exhibit 142	Collected press		X		
1.40	10/20/12	PDF	articles				
143.	10/28/13	Resp to Pltf	City of Edmonds		X		
		2 nd discov	Interrogatory				
1.1.1	10/20/12	D	Answer No. 1				
144.	10/28/13	Resp to Pltf	City of Edmonds		X		
		2 nd discov	Interrogatory				
1.45	10/20/12	D t DI C	Answer No. 5				
145.	10/28/13	Resp to Pltf	City of Edmonds		X		
		2 nd discov	Interrogatory				
1.4.0	10/20/12	Daniel Blic	Answer No. 6				
146.	10/28/13	Resp to Pltf	City of Edmonds		X		
		2 nd discov	Interrogatory				
1.47	0/7/14	D , Die	Answer No. 7				
147.	2/7/14	Resp to Pltf	City of Edmonds'		X		
		4 th discov	Interrogatory				

		T				
			Answer No. 10			
148.	4/18/14	Resp to Pltf 5 th discov	City of Edmonds Interrogatory Answer No. 27	X		
149.	4/18/14	Resp to Pltf 5 th discov	City of Edmonds Interrogatory Answer No. 36	X		
150.	4/3/14	DLH-02784- 2785 & Subpoena	Declaration of Records Custodian - Seattle University School of Law	X		
151.	4/3/14	DLH 02786, 2797-2798	Seattle University School of Law Records	X		
152.	4/3/14	DLH-03462- 3463; DLH- 03555 & Subpoena	Declaration of Records Custodian - Snohomish County Council; Subpoena; 4/16/2014 Letter from Norma Middleton	X		
153.	4/7/14	DLH-03462- 3463; DLH- 03555 & Subpoena	Declaration of Records Custodian - Snohomish County Council; Subpoena; 4/16/2014 Letter from Norma Middleton	X		
154.	4/15/14	DLH-02351- 2352 & Subpoena	Declaration of Records Custodian - City of Lynnwood & Subpoena	X		
155.	1/1/10 - 9/12/12	DLH-02447- 2455; 2387- 2399; 2435- 2446	Council Member Attendance Records		X	
156.	11/10- 9/11	DLH 00510 - 00517	Cole Payroll Exception		X	

		1				T		
1				Timesheets				
	1.57		ED 1611 10	A 1 ' CT7'				
2	157.		ED 1611-12	Analysis of Kim Cole Hours			X	
3				Undated				
	158.		ED 1613-14	SAO Cole Leave			X	
4	100.		22 1015 11	Analysis			<i>'</i>	
5				Undated				
6	159.		Docket #47	Cole Deposition		X		
				Subpoena				
7				Materials March 2014				
8	159.	4/14/14	PDF Ex. 160	Kim Cole Letter		X		
	137.	7/17/17	1 D1 Ex. 100	(with		A		
9				attachments)				
10	160.	See	Cole		RO			
11		Exhibit	Deposition	March 2014	MO		x	
		160 PDF	Subpoena Materials		FF			
12	161.	Pages 1-	Media				X	
13	101.	208	Coverage (see	0/11 10/0010	RO		A	
			Exhibit 141	9/11-12/2012	MO FF			
14			for Summary)		ГГ			
15	162.	Audio	Excerpts				X	
16		File	Lynnwood City Council	9/24/12				
			Business	9/24/12				
17			Meeting					
18	163.	YouTube	YouTube				X	
		Screen	Upload of					
19		shot	Cooper	11/2/11				
20			Voicemail (see Ex 68 for					
21			audio)					
	164.	ED 2558	City of		X			
22			Edmond's	1/17/14				
23			Org. Chart					
	165.	Photo	Photo COE				X	
24			City Hall, 3rd					
25			floor: From door of copy					
26			room into	9/8/14				
۵۰			Office of					
27			Executive					
28			Assistant to					
-			Mayor					

1 -				
	166.	Photo	Photo COE	X
			City Hall, 3rd	
			floor: From	
			window of	
			copy room	9/8/14
			into Office of	
			Executive	
			Assistant to	
			Mayor	
	167.	DLH-	Lynnwood	X
		02751-55	City Council	
			woman Cole	11/9/11
			talks about	11/7/11
			Edmonds	
			controversy	

B. Defendant City of Edmonds and/or Earling Proposed Exhibits (##200+)

Exhi bit No.	Date	Bates No.	Document	Admiss. Stip.	Auth. Stip. / Admiss. Disputed	Auth. /Admiss. Disputed	Admi tted
200.			City of Edmonds Org Chart			Х	
201.	2004	ED 03898- 03903	HR Dept. Workplan			X	
202.	3/22/07	ED 03583- 03584	Humann- Haakenson Email re: questions from Plunkett		X		
203.	10/3/07	ED 03904- 03909	DH-Directors memo: future of Edmonds— Human Resources			Х	
204.	1/9/07	ED 03563	Humann Notes re mtg w/ Haakenson			X	
205.	12/12/08		Ordinance No. 3718 establishing NR exempt employee salary		X		

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			ranges				
206.	4/13/10	ED 03571-	DH-Haakenson		X		
	7:30pm	03572	email re:				
			interim contract				
			for Hines				
207.	4/13/10	ED 03573-	DH-Haakenson			X	
	7:35pm	03574	email re:				
			interim contract				
			for Hines				
208.	7/2/10	ED 03564	DH-Haakenson		X		
			email re PERS-				
•••	7 (2.1 (1.0		Plunkett				
209.	7/21/10	ED 04363	DH-Haakenson	X			
			email re:				
210	0/10/10	DI II 01046	Well				
210.	9/13/10	DLH 01346	DH-Plunkett		X		
	4:17pm		email re; L5 at				
011	9/14/10	DIII	Finance				
211.	6pm	DLH	Finance			X	
	Орш	01423-	Committee minutes & NR				
		01429					
212.	10/15/10	ED 04315-	pay schedule				
212.	10/13/10	04313- 04318	DH-Cooper email re: 2010		X		
		04316	Dept. strategic				
			priorities				
213.	2010	ED 03915	Notes re: 2011			X	
213.	2010	LD 03713	work priorites			Λ	
214.	11/30/10	ED	DH-Haakenson			X	
211.	11/30/10	04340-4349	email re: FW:			A	
		01310 1317	Budget				
			Question				
215.	1/19/11	ED 04240-	Clifton-		X		
213.	1,13,11	04241	Directors email				
		0.2.1	& Cooper				
			1/13/11 email				
			re: homework				
			for council				
			retreat				
216.	2/1/11	ED 04304-	Agenda-		X		
		04305	Council Retreat				
217.	1/24/11	ED 03828-	Cole-Cooper			X	
		03829	email re: FW:				
			Edmonds				
			Chamber				
218.	2/7/11	ED 03826-	Cole-Cooper			X	

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Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 (206) 682-6711

		03827	email re: Staff			
		03627	Meeting			
			Structure			
219.	4/14/11	DLH 01490	Plunkett-chase	X		
21).	11:47am	DE11 01470	re PRR of	Λ		
			Plunkett			
220.	4/14/11	DLH 1491-	Petso-Chase re	X		
	5:02pm	1492	PRR of Plunkett			
221.	4/27/11	ED 03582	Plunkett-	X		
	2:48pm		council email			
			re: public			
			records request			
222.	4/14/11	ED 03570	Plunkett-Chase,	X		
	11:47am		Cooper/Council			
			re: public			
			records request			
			Michael			
	1/20/11		Plunkett			
223.	4/28/11	DLH 01493	Chase-Plunkett	X		
			ltr re: PRR			
22.4	5/4/11	CDD	extension			
224.	5/4/11 10:49am	CPR	Plunkett-	X		
	10.474111	000077	Cooper/Council re: Council			
			emails			
225.	5/12/11	ED 03593-	DH-Chase	X		
223.	3/12/11	03596	email & attach	Λ		
		03370	re: 5/10/11			
			Human			
			Resources			
			Committee mtg			
			minutes			
226.	5/16/11	ED 03569	Plunkett-Chase,	X		
	6:57pm		Cooper/Council			
			Re: Plunkett			
			public records			
			request			
227.	6/3/11	Email disk	Edmonds Press		X	
			Release re:			
			Mayor Cooper			
			announces			
220	6/20/11	ED 001105	hiring freeze			
228.	6/20/11 2:54pm	ED 001195	Cole-Cooper	X		
	2.34pm		email re:			
			renewed protection order			
			protection order		j	

229.	6/20/11	ED 001196	Cole-Coper		X		
	4:15pm		email re:				
			repeated &				
			frequent				
			telephone hang				
			ups				
230.	6/22/11	ED 04242-	DH-Cooper	X			
230.	0/22/11	04243	email re: FW:	Λ			
		04243	workload				
201	7/05/11	ED 001107					+
231.	7/25/11	ED 001197	Cole-Cooper		X		
	5:26pm		email re:				
			repeated hang				
			ups				
232.	8/15/11	ED 001459-	Cole "time			X	
		001464	cards" (feb-aug				
			2011)				
233.	8/17/11	Email disk	Cole-Humann			X	t
			email out-of-				
			office reply				
234.	9/1/11	ED 04369-	Cole-Cooper		X		
<i>23</i> 4 .	4:43pm	04370	email re: FW:		A		
	4.43pm	04370					
			(what was				
			sent in response				
			to blank email)				
235.	9/1/11	ED 001542	Cole payroll	X			
			exception sheet				
			8/16-8/31/11-				
			signed by Cole				
			9/1/11				
236.	9/7/11	ED 001799			X		
	12:14pm						
237.	9/7/11	ED 001157-	Chase-directors		X		
	2:56:11	001158	re: update to				
	pm		Haakenson				
			request				
238.	9/8/11	ED 001162	Haakenson		X		t
		22 001102	request for rep				
			for Haines				
			Wharf				
220	0/10/11	ED 04271	"investigation"				-
239.	9/12/11	ED 04371-	Cole-Cooper		X		
	11:49am	04372	email re:				
			records request				
			meeting				
240.	9/13/11	ED 04373-	Cole-Cooper			X	
	11:06am	04374	email re:				
			immediate				
		i e	1	<u></u>	1	<u> </u>	1

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FRANK FREED SUBIT & THOMAS LLP

Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 (206) 682-6711

			request for		
			employment		
			documents		
241.	9/15/11	ED 001542	Cole exception	X	
			report-8/16-		
		ED 001545	8/31/11—		
			signed by		
			Cooper 9/15/11		
			w/ post-it &		
			new exception		
			sheet signed re-		
			signed 9/15/11		
242.	9/19- 9/16/11	ED 02537	Cooper calendar	X	
243.	9/21/11	ED 001208	Cole-Cooper	X	
	10:52am		emails re admin		
	11:01am		leave		
244.	9/15/11	ED 004375-	Cole-Cooper	X	
		004378	Email re:		
			review file		
245.	9/19/11	DHRPR-	DH-	X	
		00262-	Bernheim/Coun		
		00264	cil re: earnings		
			exceeding		
246.	9/21/11	ED 001492	\$100,000		
Z 40.	9/21/11	ED 001492	DH payroll exception time	X	
			sheet-9/16-		
			9/30/11—		
			signed 9/21/11		
247.	9/22/11	ED 001490-	Humann PSR	X	
- · · ·		001491	and separation		
		001.91	payout		
248.	10/13/11	ED 00127	Cooper-Hite	X	
	9:42am		email re: FW:		
			changes in City		
			Hall		
249.	10/26/11		Hardie-all city	X	
	10:29am		email re:		
			position		
			analysis		
			questionnaire		
250.	11/22/11	ED 01813-	City of	X	
		1819	Edmonds 2012		
		ED 01835-	Budget		
		01851	(excerpts)		
251.	12/16/11	ED 00150-	Taraday-Earling	X	

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Ī		3:56pm	00151	email re: FW:			
				press release			
				from mayors			
				office re Debbie			
				Humann (from			
				Cliff Freed)			
	252.	11-7-11	Cooper	Statement from		X	
			Dep., Ex. 14	Mike Cooper			
			-	"received by			
				my			
				edmondsnews"			
	253.	12/1/11	DLH 01558	Bernheim-		X	
		5:19pm		Clifton re:			
				elimination of			
				HR Dir from			
				2012 budget			
	254.	12-13-11	ED 00163	Taraday-Freed		X	
		10:29pm		re: press release			
				from mayors			
				office re debi			
				humann			
2	255.	12-22-11	ED 00144-	Romoff-Earling		X	
		10:17am	00145	email & letter			
				from Freed re:			
				Debi Humann			ļ
				2 nd			
				Whistleblower			
				Complaint re:			
				budget decision			
,	256.	12-28-11	ED 00146-	Romoff-Earling		X	
		1:05pm	00147	email & letter			
				from Freed re:			
				Debi Humann			
				1 st WB			
				complaint			
				requesting			
				hearing			
′	257.	Various		Mary Ann		X	
		dates		Hardie			
				personnel			
				records			
				(excerpts)			
	258.	9/22/11	ED 04380	Human		X	
			3.230	Resources		-	
				Transition			
				Plaint			,
	259.	9/26/11	ED 03548-	WCIA-Chase re		X	
				Chi i Chase le			L

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Suite 1200 Hoge Building, 705 Second Avenue Seattle, Washington 98104-1798 (206) 682-6711

		03549	2011 annual			
			WCIA review			
			& audit			
260.	10/25/11	ED 00124	Buckshnis/Wils		X	
			on-Hite re:			
			compensation			
			consultant			
261.	11/14/11	ED 03553	Adams-WCIA		X	
			(cc:			
			Hite/Hardie) re:			
			WCIA HR audit			
262.	12/11	ED	Human		X	
		44004401	Resources, Dec.			
			2011 Briefing			
			for Mayor			
263.	12/13/11	ED 00137-	Hite-		X	
		00138	press/council/ea			
			rling re: press			
			release from			
			mayor's office			
			(re:			
			reinstatement of			
			DH)			
264.	2012	ED 04384-	Summary &		X	
		04389	recommendatio			
			ns re: adopting			
			updated			
			personnel			
2 - 2	0/10/11	.	policies			
265.	2/18/11	Email disk	Cole-Cooper		X	
	12:14pm &		emails re state			
	2/28/11		of city address			
266.	3/15/113	ED 04329-	Humann-		X	
_ 50.	3:34pm	04331	Haakenson fw			
			PRR emails			
			from Edmonds			
267.	3/15/11	ED 4367-	Humann-		X	
	11:00am	4368	Haakenson fw:			
			PRR emails			
			from Edmonds			
268.	3/8/11	ED 04335	Humann-		X	
	3:48am		Haakenson re:			
			FYI—you're			
			mentioned also			
269.	9/7/11	ED	Chase-staff fw		X	
	11:07am	001155-ED	Haakenson			

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FRANK FREED SUBIT & THOMAS LLP

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		001156	original PRR			
			request			
270.	9/15/11		Cole—Eden		X	
	11:20am		screen shot of			
			leave			
271.	11/22/11	Video clips	City Council		X	
		_	Mtg (excerpts)			

XIII. ACTION BY THE COURT

- A. This case is scheduled for trial before a jury on October 27, 2014, at 9:00 a.m.
- B. Trial briefs shall be submitted to the court on September 10, 2014.
- C. Jury instructions requested by either party shall be submitted to court on or before September 10, 2014. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before September 10, 2014.

This order has been approved by the parties as evidence by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be modified except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this ____ day of _____, 2014

The Honorable Marsha J. Pechman United States District Judge

Form Approved:

1	FRANK FREED SUBIT & THOMAS LLP
2	/o/ Dath Dloom
3	<u>/s/ Beth Bloom</u> Beth Barrett Bloom, WSBA #31702
4	Jillian M. Cutler, WSBA #39305
5	Attorneys for Plaintiff
6	KEATING BUCKLIN & McCORMACK, INC, PS
7	
8	/s/ Jayne L. Freeman (via email approval) Jayne L. Freeman, WSBA # 24318
9	Attorneys for Defendant City of Edmonds
10	
11	TURNER KUGLER LAW, PLLC
12	/s/ John T. Kugler (via email approval) John T. Kugler, WSBA # 19960
13	Attorney for Defendant Micheal Cooper
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